## *Remarks*

Claims 1-24 are pending. Claim 1 has been amended. Support for the amendment can be found, for example, on pages 10-13 of the specification. No new matter has been added.

The applicants are mindful of the outstanding rejections of independent claim 1, 5, and 18 under 35 U.S.C. § 102(e) as being anticipated by Butler, U.S. Patent No. 6,584,493. The applicants respectfully traverse in part these rejections.

Regarding independent claim 1 as amended, the applicants respectfully submit Butler fails to teach or suggest various claim limitations including the requirement that "the first user interface and the second user interface are at least in part provided by software executing on respective first and second devices separate from the dynamic computing environment." For at least this reason, claim 1 is allowable over Butler.

Regarding the rejections of independent claims 5 and 18, the applicants respectfully submit that the particular parts of the cited references that the Examiner has relied upon have not been designated as nearly as practicable, and the pertinence of each reference has not been clearly explained, both as required by 37 C.F.R. § 1.104(c)(2). In particular, the Examiner provides references to various different parts of Butler, but fails to identify which of the various referenced elements of Butler correspond to the applicants' claim limitations.

For example, regarding the claimed "allocating a distributed computing environment by virtue of allocating a first user computer and a second user computer" of independent claim 5, the Examiner merely states: "Abstract, col.6 lines 36-49, col.9 lines 22-26, col.11 lines 55-65, col.13 lines 30-44, col.15 lines 43-50, col.16 lines 27-30 . . . ." Final Office Action of July 25, 2006, p. 4, ¶7. These disparate portions of Butler fail to teach the claim limitation. The Abstract states:

> A networking conferencing and collaboration tool utilizing an enhanced T.128 application sharing protocol. This enhanced protocol is based on a per-host model command, control, and communication structure. This per-host model reduces network traffic, allows greater scalability through dynamic system resource allocation, allows a single host to establish and maintain a share session with no other members present, and supports true

color graphics. The per-host model allows private communication between the host and a remote with periodic broadcasts of updates by the host to the entire share group. This per-host model also allows the host to allow, revoke, pause, and invite control of the shared applications. Subsequent passing of control is provided, also with the hosts acceptance. The model contains no fixed limit on the number of participants, and dynamically allocates resources when needed to share or control a shared application. These resources are then freed when no longer needed. Calculation of minimum capabilities is conducted by the host as the membership of the share changes. The host then transmits these requirements to the share group.

Thus, while the abstract generally refers to "dynamic system resource allocation" it provides no description of what resources are allocated or how they are allocated, and certainly fails to teach or suggest the claim limitation. Column 6, lines 36-49 state:

In a preferred embodiment of the instant invention, the memory allocated to each member of the conference is now set dynamically such that each member is given a minimum allocation of memory which may be adjusted once that member begins to share. Further, since the memory allocation is now dynamic, the necessity for placing a maximum limit on the number of users of a conference is no longer required. Therefore, the system of the instant invention allows as many members in a conference as may be supported by the meeting or conference host's memory availability. As new members join a conference or as old members leave a conference, memory is dynamically allocated to or freed from that member without significant disruption to the overall operation of the system.

Here, Butler generally describes memory allocation within individual members of a conference. Again, nothing here teaches or suggests allocating a distributed computing environment or allocating first and second user computers. Column 9, lines 22-26 state:

A preferred embodiment of the instant invention, therefore, removes the fixed limit of users (now number of members in a conference is limited only by the available memory of the host) and utilizes dynamic system resource allocation.

This simply mentions "dynamic system resource allocation," but provides no further explanation beyond that of the abstract. Column 11, lines 55-65 state:

When at least one node in a conference is a host, the nodes in the conference are in a share. A share is another name for an active T.128 session. T.128 is the least T.120-ized of the standard applet protocols, since it came from a non-T.120 two person only primitive world (R.11). As such, there is some redundancy. Some of the rich T.120 primitives, like

getting into conferences, exchanging capabilities, and determining the roster, are found in a more primitive form in T.128. So a share gets created, joined, and ended just like a conference does. And members are added and deleted just like in a conference.

Here the quoted section of Butler describes T.128 conferences, but provides no teaching or suggestion of the allocating of a distributed computing environment by virtue of *allocating* a first user computer and a second user computer. Column 13, lines 30-44 state:

This is why application sharing in NetMeeting™ 2.x could only activate when at least two nodes were in a conference and application sharing capable. In the system of the instant invention, however, if the node trying to create the share is also the T.120 top provider, the code assumes success instantly since the collision arbitration algorithm will always resolve in favor of closeness to the top provider. In this way, the system of the instant invention will allow the creation of a single party share, allowing one to host a meeting, share application(s) or desktop, and have it persist. The share will create instantly, and it will not terminate when no one else except the host is left in the conference.

This portion of Butler describes further aspects of conference operation, but still fails to teach or suggest the claim limitation. Column 15, lines 43-50 state:

Only shared window or nothing is sent. Requests are only sent from the controller to the host to activate/unminimize shared window, or to inject Ctrl+Alt+Del in case of NT Remote Desktop Sharing (RDS). RDS is a service process that uses application sharing to share the entire desktop of a machine back to whomever called in. Ctrl+Alt+Del simulation is needed on NT because that is the way a user logs in, shuts down, or locks the workstation.

Again, the cited portion of Butler fails to teach or suggest the claim limitation. Finally, column 16, lines 27-30 state:

The new member joining then broadcasts a packet for each person already in the share. In other words, application sharing nodes need to send a sync packet to people who are new to them in the share.

This portion of Butler mentions "application sharing" but provides no further insight.

As can be seen from the disparate portions of Butler referenced by the Examiner, Butler fails to disclose the distributed computing environment described by the applicants. Butler does describe allocation of memory for a shared application (see, e.g.,

column 24, lines 18-39 and Figures 2a-c), but fails to teach or suggest allocating a distributed computing environment by virtue of allocating a first user computer and a second user computer. Claim 5 is thus allowable over Butler. For, at least, similar reasons, claim 18 is also allowable over Butler.
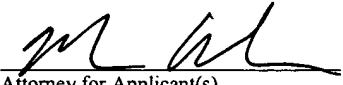
MPEP §2131 makes clear the requirements for anticipation:

> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). . . . "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). (Emphasis added)

Thus, in addition to showing every element, the reference must teach their arrangement as required by the claim, and Butler clearly does not teach the applicants' claimed arrangement of limitations.

Accordingly, the applicants respectfully submit that independent claims 1, 5, and 18 are allowable over the cited art. Claims 2-4, 6-17, and 19-24 depend from respective independent claims and are allowable for at least this reason.

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

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Attorney for Applicant(s)       Date of Signature

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